

## REMARKS

Claim 34 is in this application. Claims 1-33 have been cancelled.

The Examiner has rejected claim 34 under 35 USC 112, first and second paragraphs. Applicants respectfully traverse these rejections.

Claim 34 has been amended to correct the typographical errors and to define n as 1 or 2. Support for this is found in all of the examples where n is either 1 or 2.

According to the Official Action, claim 34 is rejected as being obvious in view of Vanderhaeghe et al. in view of Dunn et al. (US Patent 5,622,948). Applicants respectfully traverse this rejection.

As stated above, claim 34 has been amended to define n as 1 or 2. This further distinguishes the compounds of formula (IIIe) from the compound X on page 3828 and the compound in the second column, third paragraph on page 3831 of Vanderhaeghe.

The structure of formula (Ia) of Dunn differs significantly from the structure of formula (IIIe) and there is no suggestion that sulphonate leaving groups can be used in a structure of formula (IIIe). In addition, the definition of R<sub>1</sub> disclosed in column 1 of the Dunn patent differs from the group corresponding to R<sub>1</sub> in formula (IIIe). R<sub>1</sub> in Dunn is not defined as ethyl/methyl phenoxazine. Furthermore, none of the examples in Dunn demonstrate the equivalence of the leaving groups i.e. methane sulfonate to *p*-toluene sulphonate. The reactivity of sulphonates also changes according to the substrate, with which it reacts, the rest of the substrate and the reactivity can also be influenced by the solvents used. For example, in n-octyl derivatives C<sub>8</sub>H<sub>17</sub>X (X=Cl, Br, I, OTs and OMs) have different reactivity in DMSO and PhCl: I>Br>OTs>OMs > Cl in DMSO and I > OTs ~Br > OMs >>Cl in PhCl. Therefore, the selection of the leaving group is not an arbitrary decision and the selection is based, *inter alia*, on the factors discussed above.

Based on the foregoing, there is no combination of the cited references which suggests a compound of formula (IIIe) and it is respectfully requested that this rejection be withdrawn.

It is submitted that the application is in condition for allowance and favorable consideration is respectfully requested.

Respectfully submitted,



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Janet I. Cord  
c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, NY 10023  
Reg. No. 33,778 (212) 708-1935